

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to license application procedures**

The Board of Dietetics hereby amends Chapter 81, “Licensure of Dietitians,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 152A.2.

*Purpose and Summary*

This rule making revises the license application procedures to make them consistent with the online licensing process. This rule making eliminates requirements for written verification statements from didactic and internship programs or from the Commission on Dietetic Registration (CDR) to confirm completion of the academic and preprofessional practice requirements. It also adds requirements for telehealth practice.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 26, 2020, as **ARC 5156C**.

A public hearing was held on September 15, 2020, at 1 p.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. Several comments were received from the public regarding the Notice. The written comments were identical to the comments made at the public hearing.

A comment was made requesting that the Board eliminate its requirement for license applicants to submit academic transcripts. The commenter noted that the CDR, a national accreditation organization, already requires submission of academic transcripts. Finding that there is no need to duplicate the CDR’s requirement, the Board directed that the requirement for submission of academic transcripts for licensure be eliminated.

Another comment concerned the registration status of license applicants with the CDR. The commenter requested that the Board require that an applicant’s registration with the CDR be current at the time of license application. The Board has found that registration with the CDR, regardless of whether the license applicant has maintained a current status, is sufficient verification that the CDR’s requirements for registration have been met. Moreover, the CDR’s requirements for registration include the license requirements imposed under Iowa Code chapter 152A. The Board therefore did not make a change to this rule making in response to this comment.

An additional comment was made in support of the new telehealth rules as written in the Notice. In addition to reviewing public comments and directing that the transcript submission requirement be eliminated, the Board directed that a change be made to the submission procedure for license applications in order to make this procedure consistent with the current administrative procedure of the Professional Licensure Division. All applications to the Division’s boards are now submitted online, and paper application forms are no longer available. The language regarding paper copies of application materials in subrule 81.4(1) has thus been stricken.

The Board also updated the link to the Accreditation Council for Education in Nutrition and Dietetics (ACEND) website for foreign-trained license applicants. Finally, minor grammatical changes have been made for the sake of language consistency when referring to the CDR.

#### *Adoption of Rule Making*

This rule making was adopted by the Board on December 4, 2020.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division are subject to the waiver provisions accorded under 645—Chapter 18.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

#### *Effective Date*

This rule making will become effective on March 3, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 645—81.4(152A) as follows:

**645—81.4(152A) Requirements for licensure.** The following criteria shall apply to licensure:

**81.4(1)** The applicant shall complete ~~a board-approved application packet~~ the application online at [ibplicense.iowa.gov](http://ibplicense.iowa.gov). ~~Application forms may be obtained from the board's website (www.idph.iowa.gov/licensure) or directly from the board office. All applications shall be sent to Board of Dietetics, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.~~

**81.4(2)** The applicant shall complete the application ~~form~~ according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed ~~by the board~~.

**81.4(3)** Each application shall be accompanied by the appropriate fees ~~payable by check or money order to the Board of Dietetics~~. The fees are nonrefundable.

**81.4(4)** No application will be considered by the board until the applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by the CDR. Verification of satisfactory completion may be established by one of the following:

- ~~a. Official copies of academic transcripts have been sent directly from the school to the board;~~
- ~~b. Official verification statements have been sent to the board from the didactic and internship or preprofessional practice programs or from the Commission on Dietetic Registration (CDR) to verify completion of the academic and preprofessional practice requirements; and~~

~~c. The applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by CDR. Verification of satisfactory completion may be established by one of the following:~~

- ~~(1) a. The applicant sends to the board a notarized copy of the CDR registration card;~~
- ~~(2) b. The CDR sends an official letter directly to the board to verify that the applicant holds registration status; or~~
- ~~(3) c. The CDR posts web-based verification that the applicant holds registration status.~~

**81.4(5) and 81.4(6)** No change.

ITEM 2. Amend subrule 81.5(2) as follows:

**81.5(2)** A foreign-trained dietitian shall:

a. Provide an official letter sent directly from the Commission on Dietetic Registration (CDR) to the board to verify that the applicant has met the minimum academic and didactic program requirements of the CDR. Foreign degree equivalency evaluation requirements of the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND) are listed on the ACEND website at: [www.eatrightpro.org/acend](http://www.eatrightpro.org/acend) [www.eatrightpro.org/acend/students-and-advancing-education/information-for-students/foreign-degree-evaluation-agencies](http://www.eatrightpro.org/acend/students-and-advancing-education/information-for-students/foreign-degree-evaluation-agencies); and

b. No change.

ITEM 3. Amend rule 645—81.7(152A) as follows:

**645—81.7(152A) Licensure by endorsement.** An applicant who has been a licensed dietitian under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. to 3. No change.

~~4. Provides official copies of the academic transcripts;~~

~~5. 4. Provides a notarized copy of the Commission on Dietetic Registration (CDR) registration card or an alternate form of verification of passing the registration examination, as stated in 81.4(4)“e” 81.4(4)“a”;~~ and

~~6. 5. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:~~

- Licensee’s name;
- Date of initial licensure;
- Current licensure status; and
- Any disciplinary action taken against the license.

ITEM 4. Adopt the following new rule 645—81.17(152A,272C):

**645—81.17(152A,272C) Telehealth visits.** A licensee may provide dietetic services to an individual or a group utilizing a telehealth visit if the dietetic services are provided in accordance with all the requirements of this chapter.

**81.17(1)** “Telehealth visit” means the provision of dietetic services by a licensee to an individual or a group using technology where the licensee and the individual or group are not at the same physical location for the therapy session.

**81.17(2)** A licensee engaged in a telehealth visit shall utilize technology that is secure and HIPAA-compliant and that includes, at a minimum, audio and video equipment that allows two-way real-time interactive communication between the licensee and the individual or group. A licensee may use non-real-time technologies to prepare for a session or to communicate with an individual or a group between sessions.

**81.17(3)** A licensee engaged in a telehealth visit shall be held to the same standard of care as a licensee who provides in-person dietetic services. A licensee shall not utilize a telehealth visit if the standard of care for the particular services cannot be met by using technology.

**81.17(4)** Any licensee who provides a telehealth visit to an individual or a group located in Iowa shall be licensed in Iowa.

**81.17(5)** Prior to the first telehealth visit, a licensee shall obtain informed consent from the individual or group specific to the services that will be provided in a telehealth visit. At a minimum, the informed consent shall specifically inform the individual or group of the following:

- a.* The risks and limitations of the use of technology to provide dietetics services;
- b.* The potential for unauthorized access to protected health information; and
- c.* The potential for disruption of technology during a telehealth visit.

**81.17(6)** A licensee shall identify in the clinical record when dietetic services are provided utilizing a telehealth visit.

[Filed 1/6/21, effective 3/3/21]

[Published 1/27/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/27/21.